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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91116629
Party	Plaintiff ZAMADATA, INC., SUBSTITUTED FOR TRUCK.NE
Correspondence Address	JONATHAN P. SOIFER POLSTER, LIEDER, WOODRUFF & LUCCHESI 763 SOUTH NEW BALLAS RD St Louis, MO 63141
Submission	Request to Withdraw as Attorney
Filer's Name	Jonathan P. Soifer
Filer's e-mail	JSoifer@patpro.com
Signature	/jonathan p soifer/
Date	04/16/2004
Attachments	Motion To Withdraw As Counsel.pdf ( 10 pages )

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Ser. Nos.:

Jonathan P. Soifer, Reg. No. 34,9

75-494,070 Published in the Official Gazette on April 6, 1999; 75-494,071 Published in the Official Gazette on May 4, 1999; 75-574,513 Published in the Official Gazette on May 4, 1999; and 75-574,523 Published in the Official Gazette on April 27, 1999

ZAMADATA, INC., Opposer	
v. (	Opposition No.: 116,629
QUALCOMM, INCORPORATED, 2	 

### Motion To Withdraw As Counsel And Notice of Change Of Address

Jonathan Soifer hereby moves the board for an order relieving him and his firm, Polster, Lieder, Woodruff & Lucchesi, LLC as attorney of record for ZamaData, Inc.

The grounds for the motion are that, despite repeated requests, ZamaData has failed to pay for the services rendered in representing it in this opposition and has not responded to requests for such payment. ZamaData has had ample notification of the intent to withdraw. ZamaData was first informed of the undersigned's intent to withdraw in November, 2003. ZamaData was again informed of the undersigned's intent to withdraw in December 5, 2003, and finally on April 2, 2004, as shown by the correspondence dated November 10, 2003,

I hereby certify that this correspondence is being filed electronically with the Patent and Trademark Office Trademark Trail and Appeal Board on April 16, 2004

Date of Signatu

December 5, 2003 and April 2, 2004, attached hereto. Opposer did not respond to any of the correspondence sent to it by the undersigned.

A copy of this motion was forwarded to ZamaData electronically on Friday, April 16, 2004. The period for discovery, as set forth in the recently issued order, does not end until June 16, 2004 and Opposer's testimony period is not set to end until September 14, 2004. As shown in the return e-mail from ZamaData dated April 16, 2004, ZamaData already has engaged new counsel to represent it in the opposition. Hence, ZamaData will not be prejudiced by the withdrawal of the present counsel from this matter.

If the motion is granted, ZamaData may be served with notices and papers at:

ZamaData, Inc. 545 East Elm Lebanon, MO 65536 C/O Craig Zweiner, President

Opposer's phone number is (417) 588-2662 and its fax number is (417) 588-7999.

Please also note, the offices for the Undersigned attorney have moved.

The Undersigned Attorney's new address is:

Polster, Lieder, Woodruff & Lucchesi, LC 12412 Powerscourt Drive, Suite 200 St. Louis, Missouri 63131 Tel: 314-238-2400

Fax: 324-238-2401

As noted above, in view of the fact that discovery will not close until June 16, 2004; that Opposer's testimony period is not set to close until September 14, 2004; and that Opposer has already obtained new counsel to represent it in the

opposition, Opposer will not be prejudiced by the withdrawal of the present counsel. The undersigned thus respectfully requests that this motion relieving him and his firm of representation of ZamaData be granted.

Respectfully submitted,

Jonathan P. Soifer, Reg. No. 34,932 Polster, Lieder, Woodruff & Lucchesi 12412 Powerscourt Drive, Suite 200

St. Louis, Missouri 63131

Tel: 314-238-2400 Fax: 314-238-2401

e-mail: jsoifer@patpro.com

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion To Withdraw As Counsel is being served on Neil Greenstein, Counsel for Applicant by deposit of same in the United States Mail, first class postage prepaid, in an envelope to:

Neil Greenstein IP WEB Law Group 55 S. Market Street, Suite 1630 San Jose, CA 95113

San Jose, CA 95113			
On April 16, 2004.  Attorney For Opposer			
I hereby certify that this correspondence Appeal Board on April 16, 2004	e is being filed electronically v	with the Patent and Trademark Off	ice Trademark Trail and

Date of Signature

Jonathan P. Soifer, Reg. No. 34,932

#### LAW OFFICES

# POLSTER, LIEDER, WOODRUFF & LUCCHESI 763 SOUTH NEW BALLAS ROAD

ST. LOUIS, MISSOURI 63141-8750

TELEPHONE (314) 872-8118 FACSIMILE (314) 991-2178

JONATHAN P. SOIFER JSoifer@patpro.com

November 10, 2003

7002 2410 0002 0493 8042

Craig Zwiener - ZamaData, Inc. 545 East Elm Lebanon, MO 65536

Re:

Account Balance Due

Our Ref.: TNI 0000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Craig:

I last sent you correspondence in June, 2003 regarding ZamaData's account balance with the firm. Currently, ZamaData has a balance due of I have not had any response from you regarding my letter, nor have you made any attempt to pay off the balance due. If you do not pay off the balance by December 15, 2003 I will have no option but to turn the account over to collection.

The majority of the balance due is attributable to the on going opposition against Qualcomm. The Qualcomm opposition was suspended in January for a six-month period. The opposition could be removed from its suspended status any time now. If you do not pay off the balance due and provide assurances that all future invoices will be paid in full within 30 days from the receipt thereof, I will have no choice but to withdraw from representing you in the Opposition.

I look forward to hearing from you shortly.

Sincerely,

Jonathan P. Soifer

Cc: Accounts Receivable

#### Jonathan P. Soifer

From:

Jonathan P. Soifer

Sent:

Friday, December 05, 2003 9:37 AM

To: Subject: 'Craig Zwiener (E-mail)' Accounts receivable

#### Craig,

I sent you the attached letter on November 10, 2003. However, it went unclaimed and was returned. As noted in the letter, I need you be pay off your balance due, which is currently about ( As noted in the letter, if you do not pay off the balance, I will have no choice but to withdraw from representing you in the Qualcomm opposition. Please let me hear from you shortly as to how you intend to pay off the balance due.

Sincerely,

Jon Soifer



TNI 0000 - 031101 ltr re accou...

Jonathan P. Soifer

Polster Lieder Woodruff & Lucchesi, L.C.

763 S. New Ballas Rd

St. Louis, Missouri 63141

Tel: (314) 872-8118 Fax: (314) 991-2178

e-mail: <JSoifer@PatPro.com>

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# Polster, Lieder, Woodruff & Lucchesi, L.C.

Patent ■ Trademark ■ Copyright ■ Trade Secrets ■ Unfair Competition

12412 Powerscourt Drive, Suite 200 St. Louis, Missouri 63131-3615

> TELEPHONE: 314.238.2400 FACSIMILE: 314.238.2401 E-MAIL: plwl@patpro.com

April 2, 2004

JONATHAN P. SOIFER JSoifer@patpro.com

# CERTIFIED MAIL RETURN RECEIPT REQUESTED

Craig Zwiener ZamaData, Inc. 545 East Elm Lebanon, MO 65536

Re: ZamaData v. Qualcomm

TruckMail Oppositions Opposition No. 116,629 Our Ref.: TNI I577

### Dear Craig:

We have received the enclosed order from the Trademark Office regarding the Qualcomm opposition. The Trademark Office suspended the opposition in January, 2003 in view of the fact that settlement negotiations were on going. However, the case has not settled, hence, the suspension has now been lifted. Qualcomm's attorney never responded to my correspondence or phone calls.

The Board has instituted the following dates:

Discovery to close June 16, 2004

Plaintiff Testimony period to close September 14, 2004

Defendant testimony period to close November 13, 2004

Rebuttal testimony period to close December 28, 2004.

If this case is to go forward, the fees will be substantial. The fees can reach or exceed \$: The f

Craig Zwiener April 2, 2004 Page 2

representation agreement includes a \$ deposit which will be held in escrow to be applied against the final invoice in this matter. Please return the signed agreement by April 15, 2004, with a check to bring the account current and to cover the deposit. If I do not hear from you, I will withdraw from the case, as noted in my letter of November 10, 2003.

Sincerely,

Ionathan P. Soifer

**Enclosures** 

Cc: Accounts receivable

### Jonathan P. Soifer

From: Sent: Craig Zwiener [craig@truck.net] Friday, April 16, 2004 12:24 PM

To:

Jonathan P. Soifer

Cc: Subject: Steve@smithjackson.com RE: Qualcomm Opposition

Jonathan,

Please forward all files to this address:

Smith & Jackson Law Firm Steve Jackson 123 North Jefferson Avenue Lebanon, MO 65536 417-588-3221

Thanks, Craig

Craig Zwiener - CEO
The #1 Trucking Industry Portal - www.truck.net
ZamaData, Inc.
545 East Elm
Lebanon, MO 65536
888-588-2662

----Original Message----

From: Jonathan P. Soifer [mailto:jsoifer@patpro.com]

Sent: Friday, April 16, 2004 10:24 AM

To: Craig Zwiener (E-mail) Subject: Qualcomm Opposition

#### Craig:

I did not hear from you in response to any of my last three letters to you. Hence, in accordance with my letter of April 2, 2004, I will be filing the attached Motion To Withdraw As Counsel on Monday, June 19,2004. Please let me know when, and to whom, the files regarding the opposition should be sent.

Sincerely, /jonathan soifer/

Jonathan Soifer

<<Motion To Withdraw As Counsel.pdf>>

Jonathan P. Soifer

Tel: (314)

238-2400

Polster Lieder Woodruff & Lucchesi, L.C.

Fax: (314)

238-2401

12412 Powerscourt Drive, Suite 200

e-mail

<JSoifer@PatPro.com>

St. Louis, Missouri 63131-3615

<sup>\*\*</sup>This message is from the law firm of Polster, Lieder, Woodruff & Lucchesi, L.C., and is intended only for the addressee. This message

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